IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Bail Appl..No. 1537 of 2007()

CRIME NO.155/2001 OF BEKAL POLICE STATION

APPLICANT/ACCUSED

T.M.ABDUL SHAFI, S/O.MOHAMMED,
RESIDING AT THAYAL MOUVVAL, P.O.MOUVVAL,
PALLIKKARA VILLAGE, HOSDURG TALUK.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS: STATE

THE STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
REPRESENTING S.H.O. BEKAL.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1537/2007

Dated this 14th day of March, 2007

O R D E R

The petitioner, who is the second accused in Crime No.155/2001 of Bekal Police Station for offences punishable under Sections 341, 323 and 324 IPC read with Section 34 IPC, seeks anticipatory bail.

2. Consequent on the non appearance of the petitioner in C.C.No.685/2002, the case against him was split up and re-filed as C.C.No.66/2005 before the J.F.C.M-II, Hosdurg, and the case has been transferred to the long pending register as L.P.C.No.115/2006. Non bailable warrants of arrest are pending against the petitioner.

3. Such being the position, I am not inclined to nullify the process issued by a court of competent jurisdiction by granting anticipatory bail. The petitioner has a contention that the matter has been settled between the other accused and the injured. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail.

4. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two

weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after considering the contention of the petitioner that the matter had been settled between the parties.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs